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10/829,143

04/21/2004

Samn Raffaniello

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04/17/2008

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EXAMINER

WARE, DEBORAH K

ART UNIT

PAPER NUMBER

1651

MAIL DATE

DELIVERY MODE

04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,143

Applicant(s)

RAFFANIELLO, SAMN

Examiner

DEBBIE K. WARE

Art Unit

1651

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claims 1-3 are presented for reconsideration on the merits.

Response to Amendment

The extension of time and amendment filed January 17, 2008, have been received and entered. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 are rendered vague and indefinite for the inconsistency of the preamble and recitation of the process steps. The language "to prevent scarring" in the newly amended claim 1, last line, is inconsistent with the preamble that requires "minimizing or preventing excessive scarring". Furthermore, the newly added language "to prevent scarring" reads on preventing all scarring and it is unclear if the claimed method is intended to prevent all scarring or not. Thus, the metes and bounds of the claims can not be determined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1657

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **newly cited** Petti et al (US 2003/0219431A1), cited on enclosed PTO-892 Form, in view of Edwardson et al (US 5763411) and Chen et al (US 6761903), both **newly cited secondary references** cited on previously enclosed PTO-892 Form,

Claims are drawn to method of preventing scarring from injury sites comprising applying to an injury site a bandage material coated with a defibrinogenating agent.

Petti et al teach a method for preventing scarring at an injury site comprising applying to the site a defibrinogenating agent which includes agents selected from ancrod, urokinase, streptokinase, phenobarbital or valproic acid. Note the abstract and page 2, col. 1, lines 1-10. Also note page 1, both columns, all lines. Furthermore, note page 1, col. 2, [0014], line 1, wherein local administration is disclosed. Also the reference discloses that fibrin depletion is desired.

Claims differ from Petti et al in that a bandage material coated with the defibrinogenating agent is not disclosed.

Edwardson et al teach applying directly to bandages, sutures, or other solid support, therapeutic anticoagulant agents, such as ancrod in combination with fibrin materials. Note abstract and col. 26, lines 25-35 and col. 6, lines 35-61.

Chen et al teach agents in the form of a coating to comprise therapeutic agents such as defibrinogenating agents, like ancrod. Note col. 5, lines 30-35 and col. 33, lines 15-20 and 25-35 and col. 34, line 47.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to provide for a method as disclosed by Petti et al using defibrinogenating agent coated on a first aid material, such as a bandage as disclosed by Edwardson and Chen et al in order to administer to a local injury site as disclosed by Petti et al. To coat a bandage material with a defibrinogenating agent is clearly an obvious modification of the cited prior art, especially if one of skill in the art desired to administer the defibrinogenating agent locally because a bandage material would provide for local administering of the defibrinogenating agent. Furthermore, Petti et al clearly recognized that depleting or removing fibrinogen, which converts to fibrin at the injury site, scarring can be prevented, note page 1, col. 2, [0013], lines 1-8.

Therefore, Petti et al clearly suggests, if not teaches, that one of skill in the art would desire to coat a bandage material with a defibrinogenating agent in a method to prevent scarring. Also a first aid material such as a bandage is clearly recognized in the art to be applied to an injury site and to improve it by coating it with a substance, such as a defibrinogenating agent, to reduce or prevent scarring is well within the purview of an ordinary artisan, especially given the skill and knowledge of one of ordinary skill in the art at the time the claimed invention was made. Each of the claimed features are either taught, or suggested, and the prior art renders the claims prima facie obvious. In the absence of persuasive evidence to the contrary the claims are rendered prima facie obvious because one of skill in the art would have expected successful results.

Response to Arguments

Applicant's arguments filed January 17, 2008, have been fully considered but they are not persuasive. The priority claim of April 21, 2003 is acknowledged and the Akassoglou et al reference is removed. Applicants arguments regarding the objective of Edwardson et al, previously applied as a primary reference in the prior action of July 17, 2007, is noted and addressed above in the new art rejection necessitated by Applicant's newly added amendment for the positive step now recited in the body of the claim to prevent scarring. Furthermore, the argument that Edwardson et al forms a clot and is thus, different from the claimed invention because it will not prevent scarring is noted, however, previously there was no positive recitation in the body of the claim which required one of skill to actually prevent scarring, all that was required was the defibrinogenating agent to be present. Edwardson et al clearly disclosed the presence of ancrod to be included with the coating on the bandage. The new prior art reference, Petti et al, clearly teach ancrod to be applied to an injury site to prevent scarring as now claimed. As discussed above, it would have been obvious to one of ordinary skill in the art to modify Petti et al for administering to a local injury site a defrinogenating agent, such as ancrod disclosed by Petti et al, by coating a bandage as disclosed by Edwardson et al and Chen et al. Furthermore, given the teachings of Petti et al one of skill would have desired to remove the fibrin material of Edwardson et al from the bandage material to prevent scarring since that it is the desired effect as newly amended and positively claimed herein. Thus, the claims are *prima facie* obvious.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

All claims fail to be patentably distinguishable over the state of the art discussed above. Therefore, the claims are properly rejected.

The remaining references are cited to show the further state of the art.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1657

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M. Naff/
Primary Examiner, Art Unit 1657

/DKW/
Deborah K. Ware
Examiner, 1651
April 12, 2008